

AMENDED IN ASSEMBLY MAY 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 928

Introduced by Assembly Member Olsen

February 22, 2013

An act to add Chapter 11 (commencing with Section 60910) to Part 33 of Division 4 of Title 2 of the Education Code, relating to standardized tests.

LEGISLATIVE COUNSEL’S DIGEST

AB 928, as amended, Olsen. Standardized tests: sale to private schools *or private school organizations*.

Existing law requires the Superintendent of Public Instruction to provide for the development of an assessment instrument, to be called the California Standards Tests, that measures the degree to which pupils are achieving the academically rigorous content standards and performance standards, to the extent standards have been adopted by the State Board of Education. Existing law requires, in approving a contract for the development or administration of the California Standards Tests, the state board to consider certain things, including the ability of the contractor to produce valid, reliable individual pupil scores. Existing law requires test publishers to agree in writing to meet certain requirements, including the requirement that the tests be aligned to the academically rigorous content and performance standards adopted by the state board. Existing law authorizes the State Department of Education to develop the contract through negotiations with the publisher.

This bill would allow standardized tests created for use in California public schools in kindergarten and grades 1 to 12, inclusive, to be

available for purchase by a private school ~~from the test publisher or a private school organization~~ to the extent that the purchase would not violate the terms of any contract entered into between the publisher of the test and the State of California. The bill would require a private school or private school organization that chooses to purchase a standardized test to be responsible for the costs associated with the test, including administration costs, *and to obtain a surety bond, as provided.* The bill would require the Superintendent to determine the principal sum of the bond, as provided. The bill would require the private school or private school organization that chooses to purchase and administer a standardized test to make the results of the test available to the public on its Internet Web site and to the department for posting on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 11 (commencing with Section 60910)
2 is added to Part 33 of Division 4 of Title 2 of the Education Code,
3 to read:

4
5 CHAPTER 11. SALE OF STANDARDIZED TESTING MATERIALS
6

7 60910. (a) Standardized tests created for use in kindergarten
8 and grades 1 to 12, inclusive, in the state's public schools, including
9 tests required pursuant to Chapter 5 (commencing with Section
10 60600), shall be available for purchase ~~from the publisher of the~~
11 ~~test~~ by a private school or private school organization, to the extent
12 that the purchase would not violate the terms of any contract
13 entered into between the publisher of the test and the State of
14 California.

15 (b) If a private school or private school organization chooses
16 to purchase a standardized test pursuant to subdivision (a), the
17 private school or private school organization shall be responsible
18 for all costs associated with the test, including administering the
19 test, training, *posting test results on the department's Internet Web*
20 *site*, and security costs, *and shall obtain a surety bond issued by*
21 *a surety company admitted to do business in this state. The*
22 *principal sum of the bond shall be determined by the*

1 *Superintendent but shall not exceed one million dollars*
2 *(\$1,000,000). The bond shall be in favor of and payable to the*
3 *people of the State of California when a breach of security has*
4 *compromised the validity or the reliability, or both, of the test, the*
5 *test items, or the test scale.*

6 *(c) A private school or private school organization that chooses*
7 *to purchase and administer a standardized test pursuant to*
8 *subdivision (a) shall make the results of that test available to the*
9 *public on its Internet Web site and to the department for posting*
10 *on its Internet Web site.*